

REPORT (1984) OF THE COMMITTEE
ON ANTI-DUMPING PRACTICES

I. Organization of the work of the Committee

1. The Agreement on Implementation of Article VI of the General Agreement entered into force on 1 January 1980. On 1 October 1984 the following were the Parties to the Agreement: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom on behalf of Hong Kong, the United States, Yugoslavia and the European Communities.

2. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement. During the period under review the Committee has held three regular meetings:

15 November 1983	-	ADP/M/11
8 May 1984	-	ADP/M/12
30-31 October 1984	-	ADP/M/13

The Committee also held one meeting under the dispute settlement procedure.

3. Twenty-seven contracting parties and five non-contracting parties have observer status. Furthermore two international organizations (IMF and UNCTAD) have attended meetings of the Committee in an observer capacity.

II. National legislation and implementing regulations (Article 16:6)

4. As of 31 October 1984 sixteen Parties have submitted their legislation concerning anti-dumping procedures or made communications in this respect to the Committee (ADP/1/and addenda). Six Parties have not, as yet, made formal notifications to the Committee as required under Article 16:6 of the Agreement. Some of those Parties made oral statements to the effect that their national legislation did not contain any provisions on the imposition of anti-dumping duties which would be in conflict with the Agreement.

5. During the period under review the Committee has examined the anti-dumping legislation of Australia (ADP/1/Add.18/Rev.1). The Committee also discussed some points related to the legislation of Canada, the European Communities, Japan and Spain.

6. On 22 October 1980 the Committee took a decision in which it recognized, inter alia, that Brazil would require a period of three years to establish an administrative structure and to set up administrative procedures in order to implement its domestic legislation in conformity with the provisions of the Agreement, relating to the imposition of anti-dumping duties. The Committee agreed that this matter would be subject to review after three years from the date of Brazil's acceptance (ADP/M/3, Annex I). At its October 1984 meeting the representative of Brazil informed the Committee that a further period would be required to establish its anti-dumping system and that in the meantime paragraph (ii) of the 1980 Decision would continue to apply. The Committee therefore decided to revert to this matter when such a system has been established or anti-dumping duties have been imposed.

7. Some Parties drew the Committee's attention to certain provisions in the domestic legislation of some other Parties which they considered were inconsistent with the Agreement and urged those Parties to ensure the full conformity of their legislation with the Agreement. It was agreed that Parties to which comments concerning their legislation were addressed would consider them. Some Parties reserved their rights to revert to particular aspects of the national legislations at a later stage or in the light of their practical implications. The Committee therefore agreed to maintain on its agenda the examination of national legislations already submitted and those which will be submitted in the future.

III. Semi-annual reports on anti-dumping actions

8. Article 14:4 of the Agreement provides that the Parties shall submit, on a semi-annual basis, reports of any anti-dumping action taken within the preceding six months. During the period under review the following reports have been submitted and circulated to the Committee:

- (a) reports for the period 1 January 1983-30 June 1983 have been circulated in addenda to ADP/15. The following Parties had notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Egypt, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Spain, Switzerland, and the United Kingdom on behalf of Hong Kong (Add.1). Anti-dumping actions have been notified by Australia (Add.4); Canada (Add.5); the EEC (Add.3); Sweden (Add.6); and the United States (Add.2).
- (b) reports for the period 1 July 1983-31 December 1983 have been circulated in addenda to ADP/20. The following Parties had notified the Committee that they had not taken any anti-dumping action during that period: Brazil, Czechoslovakia, Egypt, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Spain, Sweden, Switzerland, the United Kingdom on behalf of Hong Kong and Yugoslavia (Add.1). Anti-dumping actions have been notified by Australia (Add.4); Austria (Add.2); Canada (Add.3); the EEC (Add.5); and the United States (Add.6).
- (c) reports for the period 1 January 1984-30 June 1984 have been circulated in the addenda to ADP/22. The following Parties had notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Egypt, Hungary, India, Japan,

Norway, Pakistan, Poland, Romania, Spain, Sweden, Switzerland, the United Kingdom on behalf of Hong Kong and Yugoslavia (Add.1). Anti-dumping actions have been notified by the United States (Add.2); Australia (Add.3); Finland (Add.4); EEC (Add.5) and Canada (Add.6).

The Committee has examined these reports. A number of comments on particular cases were made and explanations given. A table summarizing the cases where investigations have been opened and provisional or final actions taken during the period 1 July 1982-30 June 1984 is reproduced in the Annex.

IV. Reports on all preliminary or final anti-dumping actions

9. Notifications under these procedures have been received from Australia, Austria, Canada, the EEC, Spain and the United States and circulated in documents ADP/W/56, 56/Add.1, 62, 64, 66, 67, 69, 70, 73, 73/Corr.1, 75, 77, 78, 79, 80, 81, 85, 86, 88 and 93.

V. Conciliation and dispute settlement

10. The Committee met on 14 March 1984 to continue discussing the request by the EEC for conciliation, under Article 15:3 of the Agreement (ADP/16), concerning an anti-dumping investigation by Canada against certain electric generators from Italy. The Committee considered it useful to have the views of the Ad-Hoc Group on various conceptual issues related to this case, in particular the question of definition of sale, before any further steps were taken. According to the Committee's request these issues are being examined by the Ad-Hoc Group.

VI. Ad-Hoc Group on the implementation of the Anti-Dumping Code

11. The Ad-Hoc Group has continued examining issues enumerated in ADP/W/48/Rev.2 and produced, for the Committee's consideration, several draft recommendations. The Committee has considered and adopted:

- (a) Recommendation concerning the transparency of anti-dumping procedures (ADP/17)
- (b) Recommendation concerning procedures for an on-the-spot investigation (ADP/18)
- (c) Recommendation concerning the time-limits given to respondents to anti-dumping questionnaires (ADP/19)
- (d) Recommendation concerning best information available in terms of Article 6:8 (ADP/21)

The Committee agreed that these recommendations constituted an understanding on the manner in which Parties intended to implement certain provisions of the Code. The recommendations have not added new obligations nor have they detracted from the existing obligations under the Code.

VII. Other matters

12. A number of Parties expressed their very serious concern regarding the definition of industry concerning wine and grape products contained in the United States Trade and Tariff Act of 1984, which, they considered departed in a significant way from the Anti-Dumping Code definition of industry. They considered this departure as a very dangerous precedent for the application of the Code by the United States and possibly by other Parties.

ANNEX

Summary of Anti-Dumping Actions

L/5724
Page 5

Reporting country	Reporting period	Initiation		Provisional measures		Definitive duties		Price undertaking		Outstanding anti-dumping actions
		No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	
US	1.7.1982 30.6.1983	19	AU BE BR(4) CA(2) CN(5) DE(3) ES FR(4) GB IT(2) JP(5) KR(5) SE CH TT TW(3)	25	AU BE BR CL CN(3) DE(2) FR(3) GB(2) IT JP(4) KR SE TW(2) TT VE	9	CL GB FR(2) JP(2) VE	1	RO	52
		46	AR(2) AU BE(2) BR(4) CA CH CN(2) CO DD DE(3) ES(4) FI FR GB (2) IL IT(4) JP(6) KR(3) MX NZ PL SU TW ZA	36	AR BR(4) CA(2) CN(4) CO ES(3) GB(2) IT(2) JP(6) KR(6) MX PL TW(3)	33	AU BR(2) CA CN(4) DE(2) ES FR IT(2) JP(7) KR(6) SE TT TW(4)	-	-	104
CE ²	1.7.1982 30.6.1983	26	BR(2) CA CS(7) ES HU JP(4) NO PL RO(3) SE US(2) YU(2)	18	BR CS(3) ES JP(2) RO PL(3) US(4) YU	8	BR(2) ES PL RO US(2) YU	25	BR CS(5) ES(2) HU NO PL(3) RO(5) SE US(5) YU	n.a.
		33	BR(2) CA(2) CS(5) ES(8) HU(2) JP(4) NO PL(3) RO SE(2) US YU(2)	10	CA CS ES JP(3) PL RO SE SG	10	BR CA(2) CS(3) JP PL ES US	13	AU CS ES HU JP(3) RO(2) SE US(2) YU	n.a.
Australia	1.7.1982- 30.6.1983	71	AT BE(4) BR(3) CA CN(3) DE(6) FR(2) GB(6) HU IE(2) IL(2) IT(3) JP(12) KR(2) MX NL(2) NZ(4) PT SE TW(4) US(10)	33	AT BE(4) BR CA CN(2) DE FR(2) GB HU IL(2) JP(7) KR(3) NL(2) TW(3) US(2)	39	BE(2) BR CA CN(3) DE(2) ES FR(2) GB HU IN IL IT JP(7) KR(4) NL(2) NZ(2) RO ES TW(2) US(4)	10	CA CN(2) DE FR CB IE NZ US(2)	159
		70	AT BE(3) CA(3) CN(5) CS(2) DE(8) ES(2) FR(3) GB(3) HK(2) IT(2) JP(6) KR(3) NL NZ(5) PH(2) SE(2) SG TH(5) TW US(8) SU ZA	22	BE CA DE FR IT(3) JP(4) KR(2) PH SE SG TW(4) US ZA	32	AT BE CN(2) DE(3) ES FR(3) GB(2) IL IT(3) JP(5) KR NZ SE TH TW(2) US(4)	7	GB JP KR NL NZ(3)	192

ANNEX (Cont'd)

Reporting country	Reporting period	Initiation		Provisional measures		Definitive duties		Price undertaking		Outstanding anti-dumping actions
		No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	
Canada	1.7.1982-30.6.1983	34	BE(2) BR(2) CS DE(3) ES(3) FR GB(2) IE IT JP KR(5) LU RO(2) SE US(6) ZA(2)	48	BE(3) BR(3) DE(7) ES(2) FI FR(7) GB(2) IT(5) JP(4) KR(6) LU(2) RO SE US(4)	37	BE BR(4) DE(5) ES FR(5) GB IN IT(2) JF(5) KR(4) LU SE(2) UK US(4)	-	-	152
	1.7.1983-30.6.1984	26	CN(4) CS(2) DE DD ES(2) FR(2) GB IT(4) JP KR MX NL NO SE US(2) TW	40	BE(2) BR(2) CN(2) CS DE(4) DD ES(3) FR(2) GB(2) IE IT(3) JP(2) KR(4) NL NO RO SE TW US(5) ZA	13	BE(2) BR CN DD DE IT(2) KR NL US(3)	-	-	155
Finland	1.7.1983-30.6.1984	1	CH	-	-	-	-	-	-	-
Austria	1.7.1983-31.12.1983			1	IT	-	-	-	-	-

¹ Countries or customs territories. The abbreviations used are those adopted by the ISO. AR=Argentina, AU=Australia, BE=Belgium, BR=Brazil, CA=Canada, CH=Switzerland, CL=Chile, CO=Colombia, CN=China, CS=Czechoslovakia, DD=German, Dem. Rep., DE=Fed. Rep. of Germany, D=Dominican Republic, ES=Spain, FI=Finland, FR=France, GB=United Kingdom, HK=Hong Kong, HU=Hungary, IE=Ireland, IL=Israel, IN=India, IT=Italy, JP=Japan, KR=Korea, LU=Luxembourg, MY=Malaysia, MX=Mexico, NL=Netherlands, NO=Norway, NZ=New Zealand, PL=Poland, PH=Philippines, PT=Portugal, RO=Romania, SE=Sweden, SG=Singapore, SU=USSR, TH=Thailand, TT=Trinidad & Tobago, TW=Taiwan, US=United States, VE=Venezuela, YU=Yugoslavia, ZA=South Africa.

² Actions taken with respect to the Parties only.

Note: Numbers in brackets indicate the number of products subject to anti-dumping actions.